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SOME PROBLEMS IN THE EARLY HISTORY OF HEBREW RELIGION

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The process of taking possession of the "promised land" is now recognized as having extended over a long period. The later point of view, as found, e.g., in Josh. 11:15-23, represents the entire transaction as having occurred in the lifetime of Joshua and as having involved the total extermination of the Canaanites. But the evidence to the contrary is overwhelming. Older narratives in the Book of Joshua itself contradict any such representation (e.g., 15:13-19, 63; 16:10; 17:11 ff.); and these are corroborated by similar statements in the first chapter of the Book of Judges (e.g., 1:10-21, 27-36). The geographical distribution of the Hebrews shows clearly that the "conquest" cannot have been the result of a sweeping invasion carried out triumphantly by a united people. As a matter of fact, the Hebrews after the conquest were split into isolated sections, with groups and chains of Canaanitish strongholds separating each section from its Hebrew allies. This points to invasion at different times from different quarters and by different attacking forces. The same interpretation of the "conquest" is suggested by the fact that the record as it now stands reports an attempt to invade Canaan from the south (Num. 14:44 f.; 21:1-3);

and by the further fact that Israel is stated to have been settled in the region east of the Jordan already for three hundred years in the time of Jephthah (Judg. 11:26). Indeed, the part played by military conquest of any sort must not be exaggerated. Speaking from the point of view of the archaeologist, S. A. Cook declares¹ that one of the results of the excavations in Palestine is "the recognition that the Israelite invasion did not cause that dislocation which would have ensued had the Israelites forcibly taken the place of the Canaanites. The archaeologists are now unanimous that there was no sweeping invasion; only slow absorption, a gradual process, is the most that the excavations admit. Thus while external evidence, in turn, ignores any conquest of the invading Israelite tribes, archaeology at last independently supports a view which has been familiar to biblical scholars for some thirty years."

While there is pretty general agreement to the effect that the Hebrew settlement in Canaan was not a hastily completed movement, there is no such consensus of opinion as to the precise date at which that settlement began or the division points of its various stages. In any case, however, the Hebrew occupation of Canaan seems to have gone back to an early date and to have continued without serious interruption down to the end of Jewish history. The patriarchal traditions connect the earliest history of the Hebrew people with Palestine. If we could accept the identification of the Amraphel of Gen., chap. 14, with Hammurabi, and be sure of the trustworthy character of that chapter as history, we should have to place the earliest appearance of Israel in Palestine about 2100 B.C. But neither this philological identification,² nor the historicity of Gen., chap. 14,³ is above suspicion. The only definite evidence furnished by this chapter and the other patriarchal material is that the national memory retained some consciousness of a very early residence in

¹ *Expositor* (August, 1909), p. 100. So also Vincent, *Canaan d'après l'exploration récente* (1907), pp. 225, 461-64; S. R. Driver, *Modern Research as Illustrating the Bible* (1909), p. 87.

² For the reasons rendering the equivalence very questionable see C. H. W. Johns, *The Laws of Babylonia and the Laws of the Hebrew People* (1914), pp. 18 f.; Jensen, *ZDMG* (1896), p. 252; C. Bezold, *Die babyl.-assyrl. Keilinschriften u.s.w.* (1904), pp. 26, 54.

³ See e.g., Th. Nöldeke, *Untersuchungen* (1869), pp. 156-72; J. Meinhold, *I Mose 14. Eine historisch-kritische Untersuchung* (1911), pp. 1-50; L. W. King, *Letters and Inscriptions of Hammurabi*, I (1898), xxv-lvi; J. Skinner, *Critical and Exeg. Comm. on Genesis* (1910), pp. 272-76.

Canaan. More definite, but unfortunately not more trustworthy, is Jephthah's statement to the Ammonites in Judg. 11:26 that Israel had been in possession of Canaan, east of the Jordan, for 300 years. This would place the Hebrews in Eastern Palestine at least as early as 1500 B.C. or thereabouts. But the statement is probably of late origin and not an original part of its context, as was first pointed out by Professor George Foot Moore.¹ Yet this hazy and indefinite sense of an age-long sojourn in Canaan is supported by extra-biblical testimony, to which we must now turn.

The Theban lists of Thothmes III (1479–1447 B.C.), Ramses II (ca. 1292–1225 B.C.), and Ramses III (ca. 1198–1167 B.C.) exhibit the name Y'-q-b-'r as the designation of a place in the western part of Central or Northern Palestine.² No. 78 of the list of Thothmes III, another place-name, was at first read as Joseph-el; but that reading is now questioned by some.³

Even if both names were correctly read as Jacob-el and Joseph-el, they would not in and of themselves furnish inevitable demonstration that Hebrews were in Palestine in the fifteenth and following centuries B.C. Barton, indeed, has pointed out⁴ that the place-names may have antedated the arrival of the Hebrews, the latter having derived their ancestral names from the places, rather than vice versa. On the other hand, the name Jacob-el (or -her) at least may have come to Palestine as a deposit from the receding tide of the Hyksos invasion. Thothmes III drove these intruders from Egypt and northward through Palestine. One of the Hyksos Pharaohs left his name recorded on many scarabs as Jacob-her. There may well have been some connection between this Hyksos chieftain and the place-name of the Karnak lists. Perhaps there were Hebraic elements mingled in the Hyksos hordes.⁵

¹ *A Critical and Exegetical Commentary on Judges* (1895), pp. 296 f.; so also K. Budde, *Das Buch der Richter* (1897), p. 85; W. Nowack, *Richter*, *Ruth* (1902), p. 106; Lagrange, *Le Livre des Juges* (1903), p. 201; G. A. Cooke, *Book of Judges* (1913), p. 121.

² No. 102 in Thothmes List, No. 9 in that of Ramses II, and No. 104 in that of Ramses III. See W. Max Müller, "Die Palästinaliste Thutmosis III," *Mitteilungen der Vorderasiat. Gesellschaft*, XII (1907), 27.

³ See e.g., W. Max Müller, *op. cit.*, p. 23; Winckler, *Gesch. Isr.*, II, 68; and Maspéro, *Or. Lit. Zeitung* (1899), p. 397; on the other hand, George A. Barton (*Proceedings of the American Philosophical Society*, LII [1913], 189), still adheres to the reading "Joseph-el" originally offered (*ZAW*, VI, 8) by Ed. Meyer.

⁴ *Op. cit.*, p. 195; so also J. P. Peters, *The Religion of the Hebrews* (1914), p. 54.

⁵ Cf. J. H. Breasted, *History of Egypt* (2d ed., 1912), p. 220.

Thothmes III has preserved another name of interest for our subject, viz., No. 97 on his list, which reads Ba-ti-y-â and is equated with Beth-Yah by W. Max Müller.¹ But even if the equation be correct, it does not necessarily follow that it is a Hebrew name, for the God Yahweh was not confined to the Hebrew people in early days.² Yet the possibility of its Hebraic origin remains. Likewise the name 'sr found on the lists of Seti I (ca. 1315-1292 B.C.) and Ramses II (1292-1225 B.C.), his son, is a possible proof of Hebrew residence in Canaan during that period. It seems to indicate a place in the northwest of Palestine. It has been variously identified with Asher,³ Assyria,⁴ and most recently Israel.⁵ But while Assyrian connections seem unlikely,⁶ no certainty attaches to any other proposed reading. The possibility of a very early settlement of Hebrews in Canaan would receive surer support if Sellin and Watzinger should prove to be correct in their contention⁷ that the Hebrew overthrow of Jericho cannot be placed later than 1500 B.C.

More definite and convincing evidence of the presence of Hebrews in Canaan is furnished by the Tel-el-Amarna letters. These were written chiefly in the reigns of Amenophis III and IV (1411-1358 B.C.). In a group of these letters that Abd-ḥiba, king of Jerusalem, sent to Egypt, there is constant reference to a hostile and aggressive people called *Habiru*. They are mentioned in none of the other letters. But instead of them in other letters, the *Sa-gaz* people are constantly to the fore and are represented as acting in precisely the same way as the *Habiru*, according to the complaint of Abd-ḥiba. It was at once suspected that the two names applied to one and the same people. The suspicion grew to certainty with the discovery of two more significant facts. Abd-ḥiba reports that a certain governor, named Labaia, is in treacherous alliance with the *Habiru* (Knudtzon, No. 289). Labaia himself writes to the king of Egypt

¹ *Op. cit.*, p. 26.

² See George A. Barton, "Yahweh Before Moses," *Studies in the History of Religions Presented to Crawford Howell Toy* (1912), pp. 187-204.

³ So W. Max Müller, *Asien und Europa* (1893), pp. 236 ff.

⁴ K. Sethe, *Götting. gelehrte. Anzeig.* (1904), pp. 936 f.

⁵ So Böhl, *Kanaanäer und Hebräer* (1911), p. 80.

⁶ On philological grounds; nowhere else, it is claimed, is Asshur written in this way. Historically, the Assyrians are known to have crossed the Euphrates by 1300 B.C., and to have reached the Mediterranean by 1100.

⁷ *Jericho* (1913), pp. 181 f.

regarding the deeds of the *Sa-gaz* and their allies (Knudtzon, No. 254) in his vicinity. This would show at least a very close co-operation between *Habiru* and *Sa-gaz*. The Boghaz-Keui documents enable us to go farther. They contain copies of a treaty between the Hittites and the people of Mitanni. In connection with the signing of the treaty by the contracting parties and witnesses, a long list of gods is called upon to protect and guarantee its sanctity. Following a number of Hittite deities, there occurs in one draft of the treaty the phrase *ilani ha-ab-bi-ri*; in precisely the same place in two other copies the phrase is *ilani Sa-gaz*. This makes the practical identity of *Sa-gaz* and *Habiru* reasonably certain.¹ It should be borne in mind that these Boghaz-Keui documents come from the generations immediately following the Tel-el-Amarna age. The evidence for identifying the *Habiru* with the Hebrews need not here be restated. It is so strong as to have convinced most workers in this field.² It is a significant fact in this connection, to which attention has often been called, that the Amarna letters from Canaan calling upon Egypt for help include none from the cities which afterward, at least, were famous in ancient Hebrew tradition, viz., Beth-el, Beer-sheba, Hebron, Jericho, Shiloh, Gibeon, and Mizpah. Were these towns already in possession of the *Habiru*, even as we know Shechem to have been (Knudtzon, No. 289²³)? Among the towns from which letters were sent are Jerusalem, Megiddo, Gezer, Sidon, Acco, Tyre, Byblos, Beyrout, and Ascalon, some of which were occupied by Israel only very late, and the rest not at all. *Habiru* is generally recognized as being a more comprehensive name than Israel, including

¹ See H. Winckler, *MDOG*, December, 1907, Anm. 25; Böhl, *Kanaanäer und Hebräer* (1911), p. 87; Knudtzon, *Die el-Amarna Tafeln* (1908), pp. 46-53.

The exact equivalence of *Sa-gaz* and *Ha-bi-ru* can hardly be maintained. Ungnad, *Babylonische Briefe aus der Zeit der Hammurapi Dynastie* (1914), pp. 25 f., has published a letter (No. 26) from Hammurabi which describes a certain man as *akil amel Sa-gazmes*. This demonstrates the presence of *Sa-gaz* upon the borders of Babylon about 2100 B.C. Friedr. Delitzsch, *Sumerisches Glossar* (1914), pp. 84 f., cites an unpublished vocabulary from Assur as offering *sa-gaz* = *habbatum* and K. 2055 as reading similarly *sa-gaz* = *hab-b[atum]*, according to his own unpublished copy. The meaning of *habbatum* is well known, viz., "plunderers," "destroyers" (cf. Brünnow, *A Classified List*, No. 3123). Hence it is clear that *sa-gaz* is a designation for nomads in general, or Bedouin; and of these the *Habiru* were a part. Cf. Dhorme, *Revue biblique*, 1909, pp. 68 ff.; and O. Weber, in Knudtzon's *El-Amarna Tafeln*, pp. 1146 ff.

² E.g., H. Zimmern, *ZDPV*, XIII (1890), 137; H. Winckler, *KAT*³, pp. 196 ff.; Knudtzon, *op. cit.*, p. 48 and O. Weber, *ibid.*, p. 1336; Ed. Meyer, *Die Israeliten* (1906), p. 225; Lehmann-Haupt, *Israel* (1911), pp. 35 f.; Kittel, *Geschichte des Volkes Israel*², I (1912), 441.

probably within its limits, not only Israel, but also such peoples as the Moabites, Ammonites, and Edomites. The Amarna and Boghaz-Keui tablets thus testify to the presence of Hebrews in Palestine about 1375 B.C. and thereafter.

Seti I of Egypt (*ca.* 1313–1292 B.C.) in the first year of his reign fought against the *Shasu* tribes, destroying them “from the fortress of Tharu as far as Canaan” (Breasted, *Ancient Records*, III, § 88). Again it is said, “The vanquished *Shasu* plan rebellion. Their tribal chiefs are gathered together rising against the Asiatics of Kharu,” i.e., Palestine (Breasted, *AR*, III, §§ 101, 108). These *Shasu* are to be identified with the *Sa-gaz*,¹ that is, the group of which the *Habiru*, or Hebrews, formed a part.

The name Israel occurs unmistakably for the first time on the stela of victory set up by Merneptah (1225–1215 B.C.) in his mortuary temple at Thebes. Thereon occurs the now well-known passage:

Israel is desolated, his seed is not;
Palestine has become a widow for Egypt.

This makes the presence of Israel in Palestine in the early part of the thirteenth century B.C. incontestable.

Putting these data together, we find Hebrews in Palestine about the opening of the fourteenth century B.C., and at the close of that century; possibly again in the reign of Ramses II in the thirteenth century, and certainly in the reign of his successor Merneptah, at the close of the thirteenth century. This practically establishes a continuous Hebrew residence in Canaan for approximately two hundred years, viz., during the fourteenth and thirteenth centuries B.C. If the name Jacob-her could be regarded as definite proof of Hebraic influence we should have to carry back the period of continuous residence for another century.

This fact complicates the problem of the date of the Israelite entry into Egypt and of the Exodus therefrom. It seems that there is no room for it at any time between the two termini we have found for the presence of the Hebrews in Canaan. Shall we, therefore, follow Eerdmans² in placing the entire Egyptian experience after the

¹ So e.g., Breasted, *AR*, III, §99; Ed. Meyer, *Festschrift für Georg Ebers*, pp. 75, 76; *idem*, *Die Israeliten*, pp. 225 f.; Böhl, *Kanaanäer und Hebräer*, p. 79; Lehmann-Haupt, *Israel*, p. 26; *et al.*

² *Alttestamentliche Studien*, II (1908), 74 f.

days of Merneptah, striving to find room for the entry into Egypt, the bondage in Egypt, and the Exodus, between 1210 and 1130 B.C. ? Or shall we place the Egyptian episode before the period of residence in Canaan, identifying the Exodus with the expulsion of the Hyksos,¹ or seeing in the *Habiru* invasion the biblical conquest of Canaan?² Or shall we turn away from both of these positions alike and have recourse to the hypothesis of a divided Israel, part of which was in Canaan continuously and part in Egypt prior to its entry into Canaan?³ In whichever of these views we take refuge the significant fact which we have already chronicled remains, viz., that there were Hebrews in Canaan at least as early as ca. 1400 B.C., and possibly ca. 1600 B.C., and from that time on down continuously till 1200 B.C.

This fact has not received the attention to which it is entitled in current treatments of Hebrew history and religion. It calls for some reconsideration of our dates for the origins of early Hebrew literature, institutions, and ideas. The earliest Hebrew legislation is commonly placed in the ninth or tenth century B.C. For example, H. P. Smith says, "The earliest Hebrew Code that has come down to us (the so-called Book of the Covenant, Exod. 20:22—23:23), was published at a date considerably later than the time of Solomon.

¹ E.g., M. Gemoll, *Israeliten und Hyksos* (1913); W. Freiherr von Bissing, *Geschichte Aegyptens*, pp. 37 ff.; H. R. Hall, *The Ancient History of the Near East* (1913), pp. 403 ff.; P. Asmussen, "Die Einwanderung Israels in Canaan," *Memnon*, VII (1915), 185—207.

² E.g., H. Winckler, *Geschichte Israels*, I (1895), 14; Guthe, *Geschichte des Volkes Israel*, 2d ed. (1904), p. 58; A. T. Clay, *Light on the Old Testament from Babel* (1907), pp. 265 ff.; Knudtzon, *Die el-Amarna Tafeln* (1908), pp. 48 f.; S. A. B. Mercer, *Extra-Biblical Sources* (1913), pp. 11 f.; Steindorff, *ZAW*, XVI (1896), 330—33. Asmussen, *loc. cit.*, posits a twofold entry into Canaan, (1) that of Judah and related tribes from the South in the Amarna period, (2) that of the Ephraimitic group from the East shortly after reign of Ramses III (ca. 1198—1167 B.C.).

³ So e.g., Steuernagel, *Die Einwanderung der isr. Stämme in Kanaan* (1901), p. 100; B. Stade, *Akademische Reden* (1899), pp. 107 f.; Kittel, *Gesch. des Volkes Israel*, 2d ed., I (1912), 539; Driver, *Modern Research* (1909), p. 39; Spiegelberg, *Der Aufenthalt Israels in Aegypten* (1904); P. S. P. Handcock, *The Latest Light on Bible Lands* (1915), pp. 82 f.

The theory of a divided Israel would become imperatively necessary, if the identification of the 'Apiru with the Hebrews should prove to be correct; for the 'Apiru are known to have been in Egypt in the reigns of Ramses II (ca. 1292—1225 B.C.), Ramses III (ca. 1198—1167 B.C.) and Ramses IV (ca. 1167—1161 B.C.). But Israel was in Canaan certainly in the reign of Merneptah, son of Ramses II. Hence on the basis of 'Apiru = Hebrews we are driven to posit a divided people. Even so, the placing of the Exodus after 1161 B.C. gives rise to more problems than it solves. See H. J. Heyes, *Bibel und Aegypten* (1904), pp. 146 ff.; B. D. Eerdmans, *Alttestamentliche Studien*, II (1908), 52 f.; Böhl, *Kanaanäer und Hebräer* (1911), pp. 73 ff.; R. Kittel, *Geschichte des Volkes Israel*, I (1912), 453 ff., 530; S. R. Driver, *Book of Exodus* (1911), pp. xli f.; J. H. Breasted, *Ancient Records*, IV (1906), 150.

But it embodies usage which is as old as Solomon or older, and we may use it to throw light on the social conditions of the time."¹ Similarly, the same author at a more recent date says, "That the Covenant Code, like the earliest Decalogue, was the product of the agricultural age [which Professor Smith places after the Exodus] needs no demonstration."² Another writer, J. P. Peters,³ puts the entire development of the E document, together with the Book of the Covenant, between 875 and 775 B.C. Steuernagel, in the latest *Einleitung* (1912), places the origin of the Book of the Covenant in the eighth or ninth century, but notes that the materials of which it is composed may be much older, reflecting as they do influence on the part of the Code of Hammurabi. We may summarize the general opinion in the words of H. Wheeler Robinson:

Almost all Old Testament scholars would agree on the following summary of conclusions: The earliest Hebrew literature we possess consists of songs or other poetry, of which the oldest is probably the Song of Deborah: this goes back to the twelfth century B.C. Stories of the heroes who are now classed as "judges," and of the first two kings, were composed a century or two later, as was also the earliest code of Hebrew law, known as the "Book of the Covenant."⁴

This is the general point of view of recent scholarship, British, German, and American alike. How does this conclusion relate itself to the aforesaid fact that the Hebrews were in continuous residence in Canaan for at least two hundred years before 1200 B.C.?

Suppose we place Moses and the Exodus in connection with the expulsion of the Hyksos (viz., 1580 B.C.); why should we wait till the twelfth century for our earliest Hebrew literature and till the eleventh, tenth, or ninth for our earliest legislation? Did it require five or six hundred years for the nomadic Hebrews to acquire that degree of civilization reflected in the Covenant Code? That civilization is not of a complex or elaborate style. The conditions presupposed by the laws are almost exclusively agricultural. The only prerequisite for such legislation is the adoption of a settled agricultural life and the practice of it for a sufficient time to have worked

¹ *Old Testament History* (1903), p. 174.

² *Religion of Israel* (1914), p. 113.

³ *Religion of the Hebrews* (1914), p. 465.

⁴ *The Religious Ideas of the Old Testament* (1913), p. 5.

out a few simple laws safeguarding the most elementary rights of the individual and the society living that type of life. Certainly a half-millennium is too generous an allowance.

The case is helped somewhat if the traditional "Conquest" be identified with the invasion of the *Habiru*. This was taking place, as we have seen, about 1375 B.C. But even so, the lapse of time, 200 years, before the production of any permanent literature is unnecessarily great. The situation is much worse in the case of the law. Customs antedate literature and laws come into force long before books are read. Yet on the basis of the current dating of the Covenant Code there would be a period of from three to four hundred years after the "Conquest" before any code assumed form and not less than from two to three hundred years before the individual laws of the Code were formulated.¹

Suppose, however, that we put Moses and the Exodus after Merneptah's overthrow of Israel in the fifth year of his reign. This would reduce the period of Egyptian residence to very short duration, for we should certainly have to place Israel back in Canaan by *ca.* 1100 B.C. at the latest. Would so relatively short a period of Egyptian residence, not all of which was servitude according to the biblical records, have been sufficient to obliterate all traces of the culture acquired in Palestine during a residence of two hundred years or more? Would returning Israel have had to start life *de novo* in the old home? Is it not rather more likely that the old traditions and customs would have perpetuated themselves with sufficient pertinacity to have made the task of renewing and resuming them a relatively simple one, calling for comparatively little waste of time and energy? If this supposition be correct, the situation does not differ essentially from the one we have already considered. Israel would have been planted long enough in Canaan to have taken root and to have borne fruit. In the two centuries or more preceding the migration to Egypt, she would have acquired the civilization of Canaan and made it her own. She would have developed her own literary traditions or adopted and adapted the native Canaanitish ones. She would have worked out for herself a system of laws

¹ In a somewhat similar situation the Amorites produced the relatively elaborate code of Hammurabi after a period of not more than two hundred years in Babylonia.

and customs adequate to her needs; or, more likely still, she would have taken over the customs of the Canaanites in large part along with and as a part of Canaanitish culture, and would have woven them into the fabric of her own social life. Certainly all this literary and social gain would have been carefully treasured during the interim in Egypt, and the task of re-creating the old life with its traditions and institutions would have been greatly facilitated by the memories and the faithful instructions of the elder generation. Under such conditions as these, it would be almost necessary to suppose that the beginnings of literature and law took shape *before* the descent into Egypt. These beginnings would not have been lost, but would have constituted the foundations upon which the returning Hebrews would build.

The third reconstruction of the history has found many adherents. It supposes that the Hebrew clans in Egypt represented only one section of Israel as a whole, and that, too, a relatively small one. The main body of the people held their home in Canaan straight through from the earliest settlement without interruption of residence. If the Exodus and "Conquest" be placed very early, the problem as to the origins of law and literature differs in no essential respect from that arising on our first supposition, viz., that all Israel left Egypt and entered Canaan as early as the fourteenth or possibly the sixteenth century. An early Exodus and "Conquest" on the part of a portion of Israel would yield a united Israel in Canaan at an early date, with the resulting questions for the historian to which we have already called attention. But suppose the Exodus and "Conquest" be placed on the turn of the twelfth and thirteenth centuries, as is done by many;¹ what form does the problem assume then? As interpreted by all scholars, so far, the whole fate of Israel is placed in the hands of the clans that came out of Egypt. No recognition of any sort is given to the Hebrew clans supposed to have been in Canaan for generations and centuries before the fugitives from Egypt found a foothold there. Are these clans rightly treated as a negligible quantity? Blood is always and everywhere thicker

¹ So e.g., S. R. Driver, *Exodus* ("Cambridge Bible," 1911), pp. xxx ff.; T. G. Pinches, *The Old Testament in the Light of the Historical Records of Assyria and Babylonia* (1902), pp. 305 f.; McCurdy, *History, Prophecy and the Monuments* (1898), §§ 167, 183; Maspéro, *Struggle of the Nations* (1897), p. 444; Gressmann, *Mose und seine Zeit* (1913), p. 424.

than water. It is scarcely reasonable to suppose that the Hebrews already in Canaan failed to co-operate with the incoming Hebrews. Even if there were no effective military aid forthcoming from them, it is hardly possible that after hostilities were past there should not have been an increasingly free interchange of ideas and customs. It can hardly be imagined that the two strata of Hebrews should have remained apart permanently, the first-comers choosing to cast in their lot at a later time with the Canaanites as over against their own brethren. If the two Hebraic groups united, such union would come more naturally in the early days of the later Hebrew occupation than after an indefinite postponement. Of course there was no formal union of clans; this did not come till the days of Saul and David. But there must have been recognition of mutual relationships and interests and a free intercourse along social and economic lines. Under the tutelage of those Hebrews who had preceded them, the Mosaic group would rapidly adjust itself to the life of Canaan and overtake their teachers themselves.

Under these conditions it would always be an open question with the student of this period as to how much of the early literature, law, and religion should be credited to the account of the pre-Mosaic Hebrews in Canaan. These early comers had maintained their identity in Canaan, not permitting themselves to be wholly absorbed and lost in the Canaanitish communities around and among them. But to retain and maintain identity means that they preserved some or many of their own characteristic social and religious ideas and institutions. They had succeeded in adjusting themselves socially and religiously to the changed conditions of life in Canaan long before the instalment of Hebrews under Moses arrived. All the work, thought, and experience that had gone into the making of the early settlers' life as they now lived it made it unnecessary for the new arrivals to toil and suffer long as their predecessors had done. The first settlers had labored and these late comers entered into their labors.

It is quite clear that if any such situation as we have described existed the results of it upon the development of Hebrew civilization would be largely the same as though there had been no schism in Israel and as though Israel as a whole had been in continuous

residence in Canaan from the fourteenth century or even earlier. The inflow of fresh Hebrews at a late stage in the period of development would retard the progress of the entire body for but a relatively short time, after which all would move forward together and perhaps with increased momentum. We are driven back again, therefore, to the conclusion that the literature and the laws of the early Hebrews may well go considerably farther back in time for their origins than they are generally placed. Put the Exodus and the "Conquest" where you will in point of time, and the fact of an early and continuous residence of a large body of Hebrews in Canaan forces a reconsideration of our dates for early Hebrew laws and writings. The materials directly affected are the Covenant Code (Exod. 20:23—23:33 and chap. 34), the earlier forms of the J and E documents, and the older materials in Judges.

Involved in this whole situation with which we have been dealing is another question. Where shall we place Moses and what significance shall we attach to him? It is usually taken for granted that Moses marks an era in the history of Hebrew religion.¹ This need not be denied. But we shall have to ask ourselves whether or not all Hebrew civilization, including religion and ethics, started with Moses. Tradition, both biblical and later, has no hesitation in affirming this. But tradition is not discriminating. If we adopt the chronological program which represents the followers of Moses as having entered Canaan long after other Hebraic clans had been settled there, we are confronted with this question: How did it come to pass that the Mosaic contribution to Hebrew life bulked so large in the later Hebrew tradition? What was it that Moses grafted upon the religion of the older settlers that ultimately determined the nature of the entire religious life of Israel? The followers of Moses must have been an exceedingly forceful and tenacious generation to have been able to stand out against the insidious influences of the well-established religion and culture of their older brethren so successfully as to transform their whole thought and life, at least on its ethical and religious side. If this seems too much to expect of the handful of nomadic Hebrews, shall we seek a way out by minimizing

¹ A few scholars deny the historicity of Moses *in toto*; so e.g., Ed. Meyer, *Die Israeliten* (1906), p. 451, n. 1. On the contrary, see H. Gressmann, *Mose und seine Zeit* (1915); P. Volz, *Mose* (1907); B. Stade, *Akademische Reden* (1899), p. 106.

the importance of the Mosaic contribution? Shall we follow Ed. Meyer, for example, in treating Moses as nothing more than a lay figure which serves as a convenient ancestor for the priesthood of some sanctuary, such as that at Kadesh? Yet how are we to account for the activities of such a mythical person being so largely staged in Egypt and how did so all-embracing a tradition come into being and assume such stature upon so slight a basis?

Moses fares little better if we take the suggestion that all Israel left Canaan and went down into Egypt after the reign of Merneptah. The stay in Egypt would then have been necessarily so short as to have had comparatively small effect upon the habits and thought of the Israelites. Moses therefore would have been confronted with the task of taking a highly civilized people in hand and by the sheer force of his own personality leading them into a new type of religion and imposing upon them a new set of laws, though they were already provided with institutions that had served them well for generations in the very land to which they were going back. Here again shall we not have to choose between requiring of Moses that which is practically impossible and minimizing his work to such a degree as to make it difficult to account for his extraordinary reputation?

The necessity of finding scope for the activities of Moses seems to point in the direction of putting him and his work at the beginning of the period of Palestinian residence for Israel. Moses can hardly be accounted for as a side issue. His great formative work belongs almost inevitably near the beginning of the Hebraic social and religious development. If we put the Exodus either in connection with the Hyksos departure from Egypt or somewhat later in connection with the *Habiru*-movement of the Amarna period, we are giving Moses a chance at the inchoate, developing consciousness of Israel. His work then falls in a period when nothing is as yet fixed, but everything is transitional or new. At such a time a strong man has a chance to help determine the molds in which the life and thought of later generations shall run.

Wherever we may place Moses, we must reckon with the people whose residence in Palestine began at least five hundred years before the date ordinarily assigned to the origin of the Covenant Code. And reckoning with them, as we have seen, involves an older date

for the legislation of the Code than is commonly assigned to it. The need of giving it an earlier origin ought to have suggested itself to us as we have read and studied that legislation itself. There is nothing of a very advanced nature, either ethically or religiously, in the Code. There are some things, indeed, of quite the contrary sort. Take, for example, the regulations for the construction of altars (Exod. 20:24-26). The material to be used is preferably earth. If, however, stone be used instead, it must not on any account be hewn—it must remain in its primitive state. Nor shall there be steps leading up to the altar, lest the priest's person be indecently exposed as he ascends them. Compare with these instructions the fact that the altar in Solomon's temple was made of copper or bronze (I Kings 8:64; II Kings 16:14 f.). Is it probable that a code of laws, in force at the very time when Solomon was erecting his temple and according to the usual opinion not actually codified until after Solomon's day, should have been so publicly set at nought and not a word of explanation proffered regarding it? It is a somewhat gratuitous suggestion that this bronze altar of Solomon's was due to foreign influence and was a departure from the ordinary procedure at the time. As a matter of fact when Ahaz, at a later day, did import a new altar, the fact was not overlooked in the records, but was recorded in detail (I Kings 16:10-16). Is it not more reasonable to suppose that this altar-law of the Covenant Code was formulated long before Solomon's time and had already become a dead letter by his day? It is, perhaps, a relic of the cultus of the desert which could not maintain itself amid the more luxurious civilization of the land "flowing with milk and honey."

It is not necessary to suppose an exceedingly long period of residence in Canaan for the origin of the Covenant Code. The social institutions therein reflected and the economic relations are extremely simple. It is the ordinary, primitive farmer's life we see there, and nothing more. The advance from the nomadic life to such an agricultural life as this is not one of so great difficulty as to call for centuries of time. Two or three generations at most ought to see the transformation completed, at least in the case of a people not possessed of a wild, roving spirit, such as that of the American Indian. The ethical standards of the Code are in keeping with the

simplicity of the culture of which they were a part. There is no such elaboration and complexity of statutes as we see, for example, in the Code of Hammurabi. Nothing in the Hebrew Code is inconsistent with a relatively early origin, except Exod. 20:23. The whole usage of the age of Saul, David, and Solomon and the succeeding generations forbids the theory of the existence of a law against the use of images, whether of Yahweh or of other gods. Image-worship was practiced, not only with impunity, but without the slightest consciousness on the part of anyone that it was not a wholly fitting and commendable type of worship. The law against it was probably attached to the Code in one of its latest revisions.

The probability of an earlier origin of the Covenant Code is greatly increased by the fact of the existence of the Code of Hammurabi and the close relationship between it and the Covenant Code. As C. H. W. Johns reminds us, "it has been calculated that out of forty-five or possibly fifty-five judgments preserved in this old Hebrew law [viz., the Covenant Code], thirty-five have points of contact with the Hammurabi Code, and quite half are parallel."¹ When the character of the resemblances is noted, it seems scarcely possible to escape the conclusion that the Covenant Code was strongly influenced by the Babylonian Code.² The most natural way to account for this is by the supposition that Canaanitish civilization was organized on the basis of the Code of Hammurabi. Thus in learning the civilization of Canaan, the Hebrews would be at once and continually brought into contact with some form of the Code of Hammurabi. Much of the Covenant Code therefore was lifted bodily out of a Canaanized Babylonian code and transplanted into Hebrew legislation. When was this done? It is hardly likely that the borrowing was delayed for from three to five hundred years after the first Hebrew settlement in Canaan. If delayed so long, why was recourse had to it at length? What special conditions or events made it advisable or necessary at a later date? Is it not rather true that the learning of the law in force in Canaan would begin the moment the process of acquiring Canaanitish civilization

¹ *The Relations between the Laws of Babylonia and the Laws of the Hebrew People* (1914), p. 49.

² See C. H. W. Johns, *op. cit.*, pp. 25-62.

began and would continue until the law and the civilization alike had become a native possession of the Hebrew race? The only step remaining would be that of Hebraicizing the law, that of freeing it from anti-Yahwistic and anti-Hebraic elements and of adapting it to the changing standards of Hebrew life. This may well be conceived of as having been begun very early and as having gone on even while the Hebrews were in the process of acquiring their new manner of life. In any case, the laws of Hammurabi were ready at hand in Canaan and would hasten rather than hinder the process of the growth of Hebrew law.

If we put Moses and the Covenant Code alike at an early date, we might well suppose that the appearance of monotheism in Israel might be placed earlier also. But here we have a very definite guide. The idea of God reflected in the traditions regarding Samuel, Saul, and David remains the same wherever we place Moses and whatever we may assign to him. There is not the faintest suggestion of monotheism in the thought of the Davidic age (cf. I Sam. 26:19 f.). The process of developing monotheism from a folk-religion is necessarily very slow. In fact a pure monotheism has never yet sprung from such a source. As Wundt has pointed out in his *Völkerpsychologie*,¹ the religion of Israel is the *only* one to have developed monotheism directly from the folk-religion—elsewhere it came from philosophy or the speculations of an esoteric priesthood—and even in Israel there grew up alongside of the monotheistic God a host of good and bad angels or demons who took the place of the older inferior gods. There never was an *absolute* monotheism in Israel. Indeed, it is doubtful whether such has developed anywhere outside of limited philosophic circles. This general condition emphasizes the fact that the development toward monotheism in Israel must have been slow, even as elsewhere. The probability that the Mosaic contribution to Hebrew religion should go much farther back in time than it is usually placed has the decided advantage of yielding a much longer period of time in which to lay the foundations of monotheistic thought in Israel. It gives room for the gradual unfolding of the slowly developing religious consciousness, a process in which time is one of the most important factors.

¹ Vol. II, iii (1909), p. 642.

A recognition of the fact that Hebrews were in Canaan continuously from at least 1400 B.C. on to 1200 B.C. carries in its train, as we have seen, these three important questions: First, are we not placing the first literature and legislation of the Hebrews at altogether too late a date? Secondly, what influence did the pre-Mosaic Hebrews' residence in Canaan, long or short as the case may be, have upon the fortunes and the progress of the Hebrews who came later, in the days of Moses? Third, what place may rightfully be assigned to Moses in the history of Hebrew religion? Confronted with the alternative of minimizing Moses or minimizing the influence of those who preceded Moses, where shall we find a way of escape? These are questions which, for the present at least, it is, perhaps, easier to ask than to answer.